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FACSIMILE TRANSMISSION

DATE: September 28, 2004

TIME IN:
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TO:

| Name | Fax Number | Phone Number |
|-------------------------|--------------------------|--------------|
| USPTO | 703-872-9603 <i>9306</i> | |
| Examiner Gabel USPTO | 571-273-0820 | 571-272-0820 |

FROM: Joseph W. Price

PHONE: 949-253-4920

MESSAGE:

RE: 09/511,824**Attorney Docket: 42479-2500**

Please see attached Terminal Disclaimer and accompanying transmittals.

Thank you.

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ORIGINAL DOCUMENT:

NUMBER OF PAGES (Including Cover): 6

CONFIRMATION NO.:

CLIENT MATTER NO.: 99999-0000

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Sharon Farnus

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REQUESTOR:

Joseph W. Price


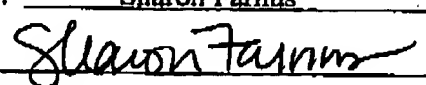
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FARNUS:IRV307430.1

| | | | |
|--|---|--|--|
| TRANSMITTAL LETTER (General - Patent Pending) | | | Docket No. 42479-2500 |
| In Re Application Of: Yasuo Yamao et al. | | | |
| Serial No. 09/511,824 | Filing Date 02.24.2000 | Examiner Gailene Gabel | Group Art Unit 1641 |
| Title: IMMUNOASSAY METHOD FOR LYSSED WHOLE BLOOD | | RECEIVED CENTRAL FAX CENTER SEP 28 2004 | |
| <p style="text-align: center;"><u>TO THE COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is:</p> <p>Letter to Examiner Re Submission of Terminal Disclaimer Fee Transmittal Terminal Disclaimer</p> <p>in the above identified application.</p> <p><input type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 19-2814 as described below.</p> <p><input checked="" type="checkbox"/> Charge the amount of \$110.00 <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required.</p> <p> _____ Signature</p> <p>Dated: September 28, 2004</p> <p>Joseph W. Price Reg. No. 25,124 SNELL & WILMER, LLP 1920 Main Street, Suite 1200 Irvine, CA 92614 Tel: 949-253-4920 Fax: 949-955-2507 Customer No. 21611</p> <p>I hereby certify that this correspondence is being sent via Facsimile at 703-872-9306 to Gailene Gabel, at the USPTO on September 28, 2004</p> <p>By: <u>Sharon Farnus</u>  Signature Dated: September 28, 2004</p> <p>cc:</p> | | | |

P18A/REV01

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** \$110.00**Complete if Known**

| | |
|----------------------|----------------|
| Application Number | 09/511,824 |
| Filing Date | 02.24.2000 |
| First Named Inventor | Yamao, Yasuo |
| Examiner Name | Gabel, Callene |
| Art Unit | 1641 |
| Attorney Docket No. | 42749-2500 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None☒ Deposit Account:Deposit Account Number **19-2814**Deposit Account Name **Snell & Wilmer LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|-------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 630 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing | |
| 1005 | 160 | 2006 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) |

2. EXTRA CLAIM FEES FOR UTILITY AND

| Extra Claims | | Fee from below | | Fee Paid |
|--------------------|---------|----------------------------|---|----------|
| Total Claims | -30** = | 0 | X | |
| Independent Claims | -3** = | 0 <td>X</td> <td>0.00</td> | X | 0.00 |
| Multiple Dependent | | | | |

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|--|--------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 | |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid | |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | | (\$) \$0.00 |

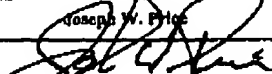
**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--|----------|--------------|----------|---|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non - English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR § 1.17(q) | |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Statement | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (unless number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.128(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.128(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) <u>Terminal Disclaimer</u> | | | | | 110.00 |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$110.00**SUBMITTED BY**

| | |
|-----------|---|
| Name | Joseph W. Price |
| Signature |  |

Registration No.
(Attorney/Agent)

25,124

Complete (if applicable)

Telephone

949-253-4920

Date

September 28, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 28 2004

Patent
42479-2500**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yasuo Yamao, et al.

Serial No.: 09/511,824

Filed: February 24, 2000

For: IMMUNOASSAY METHOD
FOR LYSED WHOLE BLOOD

Patent Examiner: Gailene Gabel

Group Art Unit: 1641

September 28, 2004

Irvine, California 92614

LETTER TO EXAMINER RE SUBMISSION OF TERMINAL DISCLAIMER**VIA FACSIMILE**

703-872-9306

ATTN: EXAMINER GAILENE GABELMail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Gabel:

In accordance with your telephone request, attached hereto is an executed Terminal Disclaimer for the parent U.S. Patent 6,030,845.

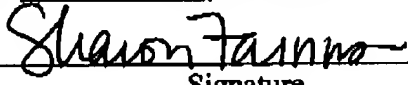
It is my understanding that this should place the case in condition for allowance and that it will not be necessary for us to proceed forward to file an appeal brief.

I wish to thank you for your courtesy in addressing this issue and bringing it to our attention.

Patent
42479-2500

If there are any questions please contact the attorney at the telephone number below.

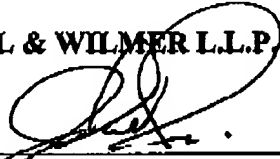
I hereby certify that this correspondence is being sent via Facsimile at 703-872-9306 to Gailene Gabel, at the USPTO on September 28, 2004

By: Sharon Farnus

Signature

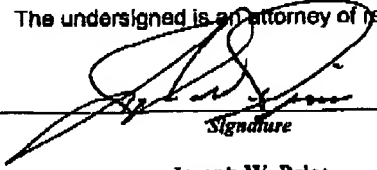
Dated: September 28, 2004

Very truly yours,

SNELL & WILMER L.L.P.



Joseph W. Price
Registration No. 25,124
1920 Main Street, Suite 1200
Irvine, California 92614-7230
Telephone: (949) 253-4920

| | | | |
|--|----------------------------------|--|---------------------------------|
| Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent | | | Docket No. 42479-2500 |
| In Re Application Of: Yasuo Yamao et al. | | | |
| Serial No. 09/511,824 | Filing Date 02.24.2000 | Examiner Gallene Gabel | Group Art Unit 1641 |
| Invention: IMMUNOASSAY METHOD FOR LYSSED WHOLE BLOOD | | RECEIVED CENTRAL FAX CENTER SEP 28 2004 | |
| Owner of Record: Horiba, Ltd. | | | |
| <u>TO THE COMMISSIONER FOR PATENTS:</u> | | | |
| <p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,030,845. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <div style="margin-top: 20px;"> _____ Joseph W. Price <i>Typed or Printed Name</i></div> <div style="margin-top: 20px;">Dated: September 28, 2004</div> <div style="margin-top: 20px;"><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</div> | | | |